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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,167	10/27/2000	Bruce Douglas Pomeroy	RD-28,110/USA	8459

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GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH  
PATENT DOCKET RM. BLDG. K1-4A59  
NISKAYUNA, NY 12309

EXAMINER

BLECK, CAROLYN M

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/699,167

Applicant(s)

POMEROY ET AL.

Examiner

Carolyn M Bleck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26, 45 and 46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 27-44 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 27 October 2000.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This communication is in response to the election filed 7 July 2004. Claims 1-46 are pending. Claims 1-26 and 45-46 were elected. Applicant's election without traverse of claims 27-44 in the reply filed on 7 July 2004 is acknowledged. The IDS statement filed 27 October 2000 has been entered and considered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCallum (5,784,635) in view of Wood et al. (5,851,186) and Kawasaki (6,539,375).

(A) As per claim 1, McCallum discloses a method for providing reports (Abstract) comprising:

(a) establishing a link between source systems, such as hospital information systems and clinical testing facility information systems and a host

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system (600) comprising a processor, which processes information in combination with memory and a mass storage device (Fig. 8-9, col. 8 lines 36-52, col. 9 line 55 to col. 10 line 65, col. 11 lines 10-53, col. 14 lines 34-42);

(b) collecting data, such as patient name, social security number, date test was conducted, test conducted, results, and charges, through the source systems (Fig. 8-9, col. 9 line 55 to col. 10 line 65);

(c) feeding or transferring data, such as patient name, social security number, date test was conducted, test conducted, results, and charges, from source systems, including the hospital information systems and clinical testing facility information systems, to the host system (600), wherein there is no human intervention to transfer the data between the source and host systems (Fig. 8-9, col. 9 line 55 to col. 10 line 65);

(d) cleaning up the anomalies such as inconsistent syntax, data keying errors, or information missing/ omitted, wherein the data cleaning includes comparing data to standardized information resources such as AMA ICD9 tables, AMA DRG tables, AMA CPT tables, US postal zip codes, standardized fee schedules, state medical examiner's databases, AMA relative value scales, and AHA databases (Fig. 3, col. 7 lines 6-33);

(e) standardizing the data, wherein data includes patient name, social security number, date test was conducted, test conducted, results, and charges (Fig. 8-9, col. 9 line 55 to col. 10 line 65, col. 12 lines 26-33);

(f) adding the cleaned data to a single-format database of uniform data structure, wherein the database and mass storage device are accessible by a

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central processing unit and store source data (Fig. 6-9, col. 12 lines 50-55, col. 13 lines 22-44);

(g) creating reports based on the patient name, social security number, date test was conducted, test conducted, results, and charges (Fig. 4-5, col. 3 lines 21-32, col. 5 line 45 to col. 6 line 16, col. 7 line 60 to col. 9 line 35, col. 9 line 55 to col. 10 line 65, col. 12 lines 26-60); and

(h) outputting the report to a user via electronic data transfer (Fig. 4-5, col. 3 lines 21-32, col. 5 line 45 to col. 6 line 16, col. 7 line 60 to col. 9 line 35, col. 9 line 55 to col. 10 line 65, col. 12 lines 26-60).

As per the recitation of "automatically," the Examiner respectfully submits that the steps of the method disclosed by McCallum are performed through the use of a central processing unit including a memory and mass data storage means accessible by the central processing unit (col. 13 lines 29-35). A method performed on a computer is considered to be "automatic".

McCallum fails to expressly disclose the device being a medical imaging device.

Wood discloses establishing a link between an ultrasound image system and a computer over a network, wherein the ultrasound images are transmitted over the network to the computer, and wherein the ultrasound image is added to an electronic document and delivered to the user (Fig. 1, col. 15 lines 24-57, col. 16 lines 37-64).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Wood within the method of

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McCallum with the motivation of allowing remote access of patient images from anywhere in the world (Wood; col. 1 lines 42-67) thus increasing the quality of health care by allowing patients to get second opinions from other physicians and reducing the cost of providing health care for physicians by allowing them to increase the number of patients examined (McCallum; col. 1 lines 20-33).

McCallum fails to expressly disclose the steps of "subscribing to receive reports," "compiling a customized customer profile", and "automatically preparing reports based on the customized profile."

Kawasaki discloses a membership-based medical information web site having a well known group of subscribers receiving web pages, wherein the users are required to log in to the system, forming a profile for a specific user based on interests, and "pushing" information to the client based on the profile (Fig. 1-2 and 4, col. 1 lines 54-62, col. 2 line 60 to col. 3 line 38, col. 5 lines 29-35, col. 6 lines 51-64, col. 7 line 35 to col. 8 line 40).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Kawasaki within the method taught collectively by McCallum and Wood with the motivation of improving the efficiency of information transfer by targeting specific users based on the user's profile (Kawasaki; col. 2 lines 25-45).

(B) As per claim 2, McCallum discloses generating reports based on own patients and practice, wherein a user may use software to create their own reports to suit particular analytical needs (reads on "Facility Profile") (Fig. 5, col. 9

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lines 23-35). The remainder of claim 2 repeats the features of claim 1 discussed above, and incorporated herein.

(C) As per claim 3, Kawasaki discloses creating a "profile" of interests to the User to report information to the user (col. 2 lines 50-55, col. 3 lines 18-23, col. 5 line 29 to col. 6 line 28).

(D) As per claim 4, McCallum, Wood, and Kawasaki do not expressly disclose transmitting data at least twice a week. However, the Examiner respectfully submits that it is well known in the art that pushing data to a user as disclosed by Kawasaki (Fig. 1) typically includes configuring the time periods in which to push the data to a client or server. The motivation being to ensure the data is stored and viewed by either the client or server.

(E) As per claim 5, McCallum discloses cleaning up anomalies such as inconsistent syntax, data keying errors, or information missing/ omitted, wherein the data cleaning includes comparing data to standardized information resources such as AMA ICD9 tables, AMA DRG tables, AMA CPT tables, US postal zip codes, standardized fee schedules, state medical examiner's databases, AMA relative value scales, and AHA databases (Fig. 3, col. 7 lines 6-33).

(F) As per claims 6-7, McCallum discloses the steps of cleaning and standardizing data including cross-referencing and cleaning data against

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standard data resources such as Medicare UPIN tables, AMA ICD9 tables, AMA DRG tables, AMA CPT tables, US postal zip codes, standardized fee schedules, state medical examiner's databases, AMA relative value scales, and AHA databases, wherein analogous data elements acquire a common alphanumeric syntax (Abstract, Fig. 3, col. 4 line 52 to col. 5 line 52, col. 7 lines 6-33).

(G) As per claim 8, McCallum discloses means for comparing said linked data against standard resources, each of said standard resources characterized by a known data structure including a predefined association of a plurality of resource elements having reliably accurate alphanumeric values; means for matching, by recognized equivalence of value thereof, ones of said second selected data elements with ones of said resource elements, so as to identify matched data elements corresponding with matched resource elements; and means for updating data having said matched data elements, said means for updating data operable by substituting values in third selected data elements therein with values copied from selected resource elements associated with said matched resource elements (reads on "string matching algorithm") (Fig. 2-3, col. 11 lines 10-45).

(H) As per claim 9, McCallum discloses updating data and adding the cleaned data to a single-format database of uniform data structure, wherein the database and mass storage device are accessible by a central processing unit and store source data (Fig. 6-9, col. 12 lines 50-55, col. 13 lines 22-44).



(I) As per claim 10, McCallum discloses storing historical data, such as patient ailment history, and reporting the data (Fig. 4-5, col. 2 lines 14-30, col. 3 lines 21-32, col. 5 line 45 to col. 6 line 16, col. 7 line 60 to col. 9 line 35, col. 9 line 55 to col. 10 line 65, col. 12 lines 26-60). The remainder of claim 10 repeats the limitations of claim 1, and is therefore rejected for the same reasons as claim 1, and incorporated herein.

(J) As per claim 11, Kawasaki discloses outputting data using a three-tier feed-forward artificial neural network, called a Neural Net, which is a learned algorithm (reads on "heuristical data").

(K) As per claim 12, Kawasaki discloses building an aggregate statistical model (col. 4 lines 5-25 and lines 41-48).

(L) Claim 13 repeats the limitations of claim 1, and is therefore rejected for the same reasons as claim 1, and incorporated herein.

(M) As per claim 14, McCallum, Wood, and Kawasaki do not expressly disclose a user help line. However, the Examiner respectfully submits that user help lines are well known components to any system. The motivation being to increase the user friendliness of the system by providing support to a user.

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(N) Claim 15 repeats elements disclosed in claims 1 and 5, and is therefore rejected for the same reasons as those claims, and incorporated herein.

(O) Claims 16-26 and 45-46 repeat the same limitations as claims 1 and 4-13, and are therefore rejected for the same reasons as those claims, and incorporated herein.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied prior art teaches universally accessible healthcare devices with on the fly generation of HTML files (5,857,967), method and system for presenting customized advertising to a user of the world wide web (6,009,410), method and system for medical patient data analysis (6,611,846), methods for dynamically accessing, processing, and presenting data acquired from disparate data sources (6,643,635), and a method and system for a customized patient report in imaging systems (assignee: GE Medical Systems, 6,735,272).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (703) 305-3981. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (703) 305-9588.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 306-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306 or (703) 872-9326 [Official communications]

(703) 872-9327 [After Final communications labeled "Box AF"]

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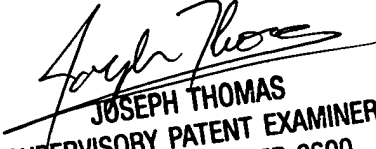
(703) 746-8374 [Informal/ Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor (Receptionist).

CB

CB

September 22, 2004

  
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